

AMENDED IN SENATE JULY 14, 1998

AMENDED IN SENATE JUNE 23, 1998

AMENDED IN ASSEMBLY MAY 4, 1998

AMENDED IN ASSEMBLY APRIL 1, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1953**

**Introduced by Assembly Member Baca  
(Principal coauthor: Assembly Member Papan)**

**(Coauthors: Assembly Members Bustamante, Cardenas,  
Ducheny, Gallegos, Honda, Keeley, Knox, Margett,  
Martinez, Murray, Vincent, Washington, Wayne, and  
Wright)**

**(Coauthors: Senators Hayden, Karnette, Lee, Peace, Solis,  
Vasconcellos, and Watson)**

February 17, 1998

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An act to amend Sections 45203, 79020, and 88203 of, and to add Section 37220.7 to, the Education Code, and to amend Sections 6712, 19853, and 19853.1 of the Government Code, relating to Native Americans.

### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1953, as amended, Baca. Public holidays: Native American Day.

(1) Existing law requires the Governor to proclaim annually the fourth Friday in September to be "California American Indian Day."

This bill would rename that day to be “Native American Day.”

(2) Existing law prescribes the holidays in this state for state agencies, public schools and community colleges.

This bill would provide that the 4th Friday in September shall be a holiday in this state to be referred to as “Native American Day.” The bill would authorize public school and community college governing boards pursuant to memoranda of understanding to provide that the 4th Friday in September shall be a holiday known as “Native American Day,” and would authorize exercises, funded through existing resources, to be conducted in all schools respecting that day. This bill would authorize the State Board of Education to adopt a model curriculum guide related to “Native American Day.” ~~Existing~~

*Existing* law variously provides that state employees are entitled to certain paid holidays, one personal holiday per fiscal year, and vacation, annual leave, or compensating time off, as the case may be, unless a collective bargaining agreement provides otherwise.

This bill would permit a state employee to elect to receive 8 hours of holiday credit for the 4th Friday in September, to be known as “Native American Day,” in lieu of receiving 8 hours of personal holiday credit, or to elect to use 8 hours of vacation, annual leave, or compensating time off for the 4th Friday in September, depending on the bargaining unit under which the employee is represented.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and  
2 declares the following:

3 (a) An emphasis on freedom, justice, patriotism, and  
4 representative government have always been elements  
5 of Native American culture, and Native Americans have  
6 shown their willingness to fight and die for this nation in  
7 foreign lands.



1 (b) Native Americans honor the American flag at  
2 every pow wow and at many gatherings, and remember  
3 veterans through song, music, and dance.

4 (c) Native Americans use songs to honor the men and  
5 women of this country who have fought for freedom.

6 (d) Native Americans love the land that has nurtured  
7 their parents, grandparents, and unnamed elders since  
8 time began, and they honor the Earth that has brought  
9 life to the people since time immemorial.

10 (e) Native Americans have given much to this  
11 country, and in recognition of this fact, it is fitting that this  
12 state returns the honor by recognizing Native Americans  
13 for all of their offerings to this beloved land through the  
14 establishment of a state holiday referred to as “Native  
15 American Day.”

16 SEC. 2. Section 37220.7 is added to the Education  
17 Code, to read:

18 37220.7. (a) In addition to the holidays prescribed in  
19 Section 37220, public schools may be closed on the fourth  
20 Friday in September, known as “Native American Day,”  
21 if the governing board, pursuant to a memorandum of  
22 understanding reached pursuant to Chapter 10.7  
23 (commencing with Section 3540) of Division 4 of Title 1  
24 of the Government Code, agrees to close schools for that  
25 purpose.

26 (b) On the fourth Friday in September, or if schools  
27 are closed on that date as specified in subdivision (a), on  
28 an alternate day determined by the governing board,  
29 public schools and educational institutions throughout  
30 this state may include exercises, funded through existing  
31 resources, commemorating and directing attention to the  
32 many contributions that Native Americans have made to  
33 this country. The State Board of Education may adopt a  
34 model curriculum guide to be available for use by public  
35 schools for exercises related to Native American Day.

36 SEC. 3. Section 45203 of the Education Code is  
37 amended to read:

38 45203. All probationary or permanent employees that  
39 are a part of the classified service shall be entitled to the  
40 following paid holidays provided they are in a paid status

1 during any portion of the working day immediately  
2 preceding or succeeding the holiday: January 1, February  
3 12 known as "Lincoln Day," the third Monday in  
4 February known as "Washington Day," the last Monday  
5 in May known as "Memorial Day," July 4, the first Monday  
6 in September known as "Labor Day," November 11  
7 known as "Veterans Day," that Thursday in November  
8 proclaimed by the President as "Thanksgiving Day,"  
9 December 25, every day appointed by the President, or  
10 the Governor of this state, as provided for in subdivisions  
11 (b) and (c) of Section 37220 for a public fast, thanksgiving  
12 or holiday, or any day declared a holiday under Section  
13 1318 or 37222 for classified or certificated employees.  
14 School recesses during the Christmas, Easter, and  
15 mid-February periods shall not be considered holidays for  
16 classified employees who are normally required to work  
17 during that period. However, this shall not be construed  
18 as affecting vacation rights specified in this section.

19 Regular employees of the district who are not normally  
20 assigned to duty during the school holidays of December  
21 25 and January 1 shall be paid for those two holidays  
22 provided that they were in a paid status during any  
23 portion of the working day of their normal assignment  
24 immediately preceding or succeeding the holiday period.

25 When a holiday listed in this section falls on a Sunday,  
26 the following Monday shall be deemed to be the holiday  
27 in lieu of the day observed. When a holiday listed in this  
28 section falls on a Saturday, the preceding Friday shall be  
29 deemed to be the holiday in lieu of the day observed.  
30 When a classified employee is required to work on any of  
31 these holidays, he or she shall be paid compensation, or  
32 given compensating time off, for such work, in addition  
33 to the regular pay received for the holiday, at the rate of  
34 time and one-half the employee's regular rate of pay.

35 The provisions of Article 3 (commencing with Section  
36 37220) of Chapter 2 of Part 22 shall not be construed to in  
37 any way limit the provisions of this section, nor shall  
38 anything in this section be construed to prohibit the  
39 governing board from adopting separate work schedules  
40 for the certificated and the classified services, or from

1 providing holiday pay for employees who have not been  
2 in paid status on the days specified herein.  
3 Notwithstanding the adoption of separate work schedules  
4 for the certificated and the classified services, on any  
5 schoolday during which pupils would otherwise have  
6 been in attendance but are not and for which certificated  
7 personnel receive regular pay, classified personnel shall  
8 also receive regular pay whether or not they are required  
9 to report for duty that day.

10 In addition to the other paid holidays specified in this  
11 section, the classified service may be entitled to a paid  
12 holiday on March 31 known as "Cesar Chavez Day," and  
13 a paid holiday on the fourth Friday in September known  
14 as "Native American Day," provided they are in a paid  
15 status during any portion of the working day immediately  
16 preceding or succeeding the holiday, if the governing  
17 board, pursuant to a memorandum of understanding  
18 reached pursuant to Chapter 10.7 (commencing with  
19 Section 3540) of Division 4 of Title 1 of the Government  
20 Code, agrees to the paid holiday.

21 This section shall apply to districts that have adopted  
22 the merit system in the same manner and effect as if it  
23 were a part of Article 6 (commencing with Section  
24 45240).

25 SEC. 4. Section 79020 of the Education Code is  
26 amended to read:

27 79020. Except as otherwise provided the community  
28 colleges shall continue in session or close on specified  
29 holidays as follows:

30 (a) The community colleges shall close on January 1st,  
31 the third Monday in January, commencing in the 1989-90  
32 fiscal year, known as "Dr. Martin Luther King, Jr. Day,"  
33 February 12th known as "Lincoln Day," the third  
34 Monday in February known as "Washington Day," the  
35 last Monday in May known as "Memorial Day," July 4th,  
36 the first Monday in September known as "Labor Day,"  
37 November 11th known as "Veterans Day," that Thursday  
38 in November proclaimed by the President as  
39 "Thanksgiving Day," and December 25th.

1 (b) Any contractual provision between any  
2 community college district and its employees in effect on  
3 the effective date of the act that adds this subdivision shall  
4 prevail over any conflict regarding Dr. Martin Luther  
5 King, Jr. Day until the termination date of the contract or  
6 upon termination by mutual agreement of the parties,  
7 whichever occurs first.

8 (c) The Governor in appointing any other day for a  
9 public fast, thanksgiving, or holiday may provide whether  
10 the community colleges shall close on the day. If the  
11 Governor does not provide whether the community  
12 colleges shall close, they shall continue in session on all  
13 special or limited holidays appointed by the Governor,  
14 but shall close on all other days appointed by the  
15 Governor for a public fast, thanksgiving, or holiday.

16 (d) The community colleges shall close on every day  
17 appointed by the President as a public fast, thanksgiving,  
18 or holiday, unless it is a special or limited holiday.

19 (e) The community colleges shall continue in session  
20 on all legal holidays other than those designated by or  
21 pursuant to this section, and shall hold proper exercises  
22 commemorating the day.

23 (f) When any of the holidays on which the schools  
24 would be closed fall on Sunday, the community colleges  
25 shall close on the Monday following, except that (1) if  
26 Lincoln Day falls on a Sunday, the community colleges  
27 may observe this holiday on the preceding or following  
28 Friday, the following Monday, or the following Tuesday,  
29 and maintain classes on the date specified in subdivision  
30 (a) where applicable, or (2) if Lincoln Day falls on a  
31 Monday, the community colleges may observe this  
32 holiday on the preceding or following Friday, that  
33 Monday, or the following Tuesday, and maintain classes  
34 on the date specified in subdivision (a) where applicable.

35 (g) When any of the holidays on which the schools  
36 would be closed, except Lincoln Day, fall on Saturday, the  
37 community colleges shall close on the preceding Friday,  
38 and that Friday shall be declared a state holiday.

39 (h) If any holiday on which the community colleges  
40 are required to close pursuant to subdivision (a) occurs

1 under federal law on a date different than the date  
2 specified in subdivision (a), the governing board of any  
3 community college district may close the community  
4 colleges of the district on the date recognized by federal  
5 law and maintain classes on the date specified in  
6 subdivision (a).

7 (i) When Veterans Day would fall on Tuesday, the  
8 governing board of a community college district may  
9 close the colleges on the preceding Monday, and  
10 maintain classes on the date specified in subdivision (a).  
11 When Veterans Day would fall on Wednesday, the  
12 governing board of a community college district may  
13 close the colleges on either the preceding Monday or the  
14 following Friday, and maintain classes on the date  
15 specified in subdivision (a). When Veterans Day would  
16 fall on Thursday, the governing board of a community  
17 college district may close the colleges on the following  
18 Friday, and maintain classes on the date specified in  
19 subdivision (a).

20 (j) When Lincoln Day would fall on Tuesday, the  
21 governing board of a community college district may  
22 close the colleges on the preceding Monday, the  
23 preceding Friday, or the following Friday, and maintain  
24 classes on the date specified in subdivision (a) where  
25 appropriate. When Lincoln Day would fall on  
26 Wednesday, the governing board of a community college  
27 district may close the colleges on the preceding Monday,  
28 the preceding Friday, or the following Friday, and  
29 maintain classes on the date specified in subdivision (a).  
30 When Lincoln Day would fall on Thursday, the governing  
31 board of a community college district may close the  
32 colleges on the preceding Friday or the following Friday,  
33 and maintain classes on the date specified in subdivision  
34 (a). When Lincoln Day falls on Saturday, the governing  
35 board of a community college district may close the  
36 colleges on the preceding Friday or the following Friday,  
37 and maintain classes on the date specified in subdivision  
38 (a) where appropriate.

39 (k) In addition to the holidays specified in subdivision  
40 (a), a community college may close on March 31 known

1 as “Cesar Chavez Day” if the governing board, pursuant  
2 to a memorandum of understanding reached pursuant to  
3 Chapter 10.7 (commencing with Section 3540) of  
4 Division 4 of Title 1 of the Government Code, agrees to  
5 close the community college for that purpose.

6 (l) In addition to the holidays specified in subdivision  
7 (a), a community college may close on the fourth Friday  
8 in September known as “Native American Day” if the  
9 governing board, pursuant to a memorandum of  
10 understanding reached pursuant to Chapter 10.7  
11 (commencing with Section 3540) of Division 4 of Title 1  
12 of the Government Code, agrees to close the community  
13 college for that purpose.

14 (m) Nothing in this section is to be interpreted as  
15 authorizing a community college district governing  
16 board to maintain community colleges in its district for a  
17 lesser number of days during the college year than the  
18 minimum established by law.

19 SEC. 5. Section 88203 of the Education Code is  
20 amended to read:

21 88203. All probationary or permanent employees who  
22 are part of the classified service shall be entitled to the  
23 following paid holidays if they are in a paid status during  
24 any portion of the working day immediately preceding or  
25 succeeding the holiday: January 1, February 12 known as  
26 “Lincoln Day,” the third Monday in February known as  
27 “Washington Day,” the last Monday in May known as  
28 “Memorial Day,” July 4, the first Monday in September  
29 known as “Labor Day,” November 11 known as  
30 “Veterans Day,” that Thursday in November proclaimed  
31 by the President as “Thanksgiving Day,” December 25,  
32 every day appointed by the President, or the Governor  
33 of this state, as provided for in subdivisions (c) and (d) of  
34 Section 79020 for a public fast, thanksgiving or holiday, or  
35 any day declared a holiday under Section 1318 for  
36 classified or academic employees. College recesses  
37 during the Christmas and Easter periods shall not be  
38 considered holidays for classified employees who are  
39 normally required to work during that period; provided,

1 however, that this shall not be construed as affecting  
2 vacation rights specified in this section.

3 Regular employees of the district who are not normally  
4 assigned to duty during the college holidays of December  
5 25 and January 1 shall be paid for those two holidays if they  
6 were in a paid status during any portion of the working  
7 day of their normal assignment immediately preceding or  
8 succeeding the holiday period.

9 When a holiday herein listed falls on a Sunday, the  
10 following Monday shall be deemed to be the holiday in  
11 lieu of the day observed. When a holiday herein listed falls  
12 on a Saturday, the preceding Friday shall be deemed to  
13 be the holiday in lieu of the day observed. When a  
14 classified employee is required to work on any of said  
15 holidays, he or she shall be paid compensation, or given  
16 compensating time off, for such work, in addition to the  
17 regular pay received for the holiday, at the rate of time  
18 and one-half his or her regular rate of pay.

19 Article 3 (commencing with Section 79020) of Chapter  
20 8 of Part 48 of this division shall not be construed to in any  
21 way limit this section, nor shall anything in this section be  
22 construed to prohibit the governing board from adopting  
23 separate work schedules for the academic and the  
24 classified services, or from providing holiday pay for  
25 employees who have not been in paid status on the days  
26 specified herein. Notwithstanding the adoption of  
27 separate work schedules for the academic and the  
28 classified services, on any schoolday during which  
29 students would otherwise have been in attendance, but  
30 are not and for which faculty receive regular pay,  
31 classified personnel shall also receive regular pay  
32 whether or not they are required to report for duty that  
33 day.

34 In addition to the other paid holidays specified in this  
35 section, the classified service may be entitled to a paid  
36 holiday on March 31 known as "Cesar Chavez Day" and  
37 a paid holiday on the fourth Friday in September known  
38 as "Native American Day," if they are in a paid status  
39 during any portion of the working day immediately  
40 preceding or succeeding the holiday, if the governing

1 board, pursuant to a memorandum of understanding  
2 reached pursuant to Chapter 10.7 (commencing with  
3 Section 3540) of Division 4 of Title 1 of the Government  
4 Code, agrees to the paid holiday.

5 This section shall apply to districts that have adopted  
6 the merit system in the same manner and effect as if it  
7 were a part of Article 3 (commencing with Section  
8 88060).

9 SEC. 6. Section 6712 of the Government Code is  
10 amended to read:

11 6712. The Governor shall proclaim annually the  
12 fourth Friday in September to be “Native American  
13 Day.”

14 SEC. 7. Section 19853 of the Government Code is  
15 amended to read:

16 19853. (a) Except as provided in subdivision (c), all  
17 employees shall be entitled to the following holidays:  
18 January 1, the third Monday in January, February 12, the  
19 third Monday in February, the last Monday in May, July  
20 4, the first Monday in September, the second Monday in  
21 October, November 11, the day after Thanksgiving,  
22 December 25, the day chosen by an employee pursuant  
23 to Section 19854, and every day appointed by the  
24 Governor of this state for a public fast, thanksgiving, or  
25 holiday.

26 If a day listed in this subdivision falls on a Sunday, the  
27 following Monday shall be deemed to be the holiday in  
28 lieu of the day observed. If November 11th falls upon a  
29 Saturday, the preceding Friday shall be deemed to be the  
30 holiday in lieu of the day observed. Any employee who  
31 may be required to work on any of the holidays included  
32 in this subdivision, and who does work on any of these  
33 holidays, shall be entitled to be paid compensation or  
34 given compensating time off for that work in accordance  
35 with their classification’s assigned workweek group. For  
36 the purpose of computing the number of hours worked,  
37 time when an employee is excused from work because of  
38 holidays, sick leave, vacation, annual leave, or  
39 compensating time off, shall be considered as time  
40 worked by the employee.

(b) If the provisions of subdivision (a) are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

(c) Any employee, who is either excluded from the definition of state employee in subdivision (c) of Section 3513, or is a nonelected officer or employee of the executive branch of government who is not a member of the civil service, shall be entitled to the following holidays, with pay, in addition to any official state holiday appointed by the Governor:

(1) January 1, the third Monday in January, February 12, the third Monday in February, the last Monday in May, July 4, the first Monday in September, the second Monday in October, November 11, Thanksgiving Day, the day after Thanksgiving, December 25, and any personal holiday chosen pursuant to Section 19854. The department head or designee may require an employee to provide five working days' advance notice before a personal holiday is taken, and may deny use subject to operational needs.

(2) When November 11 falls on a Saturday, employees shall be entitled to the preceding Friday as a holiday with pay.

(3) When a holiday, other than a personal holiday or November 11, falls on a Saturday, an employee shall, regardless of whether he or she works on the holiday, only accrue an additional eight hours of personal holiday credit per fiscal year for the holiday. The holiday credit shall be accrued on the actual date of the holiday and shall be used within the same fiscal year.

(4) When a holiday other than a personal holiday falls on Sunday, employees shall be entitled to the following Monday as a holiday with pay.

(5) Employees who are required to work on a holiday shall be entitled to pay or compensating time off for this

1 work in accordance with their classification's assigned  
2 workweek group.

3 (6) Less than full-time employees shall receive  
4 holidays in accordance with Department of Personnel  
5 Administration rules.

6 (d) (1) Any employee, as defined in subdivision (c) of  
7 Section 3513, may elect to receive eight hours of holiday  
8 credit for March 31, known as "Cesar Chavez Day," or for  
9 the fourth Friday in September, known as "Native  
10 American Day," in lieu of receiving eight hours of  
11 personal holiday credit in accordance with Section 19854.

12 ~~(e) Any employee, as defined in subdivision (e) of~~  
13 ~~Section 3513, may elect to receive eight hours of holiday~~  
14 ~~credit for the fourth Friday in September as "Native~~  
15 ~~American Day," in lieu of receiving eight hours of~~  
16 ~~personal holiday credit in accordance with Section 19854.~~

17 (2) *It is not the intent of the Legislature, by the*  
18 *amendments to this subdivision that add this paragraph,*  
19 *to increase the personal holiday credit that an employee*  
20 *receives pursuant to Section 19854.*

21 SEC. 8. ~~Section 19853.1 of the Government Code is~~  
22 ~~amended to read:~~

23 19853.1. (a) ~~Notwithstanding Section 19853, this~~  
24 ~~section shall apply only to state employees in State~~  
25 ~~Bargaining Unit 5.~~

26 ~~(b) Except as provided in subdivision (c), all~~  
27 ~~employees shall be entitled to the following holidays:~~  
28 ~~January 1, the third Monday in January, the third Monday~~  
29 ~~in February, the last Monday in May, July 4, the first~~  
30 ~~Monday in September, November 11, the day after~~  
31 ~~Thanksgiving, December 25, and every day appointed by~~  
32 ~~the Governor of this state for a public fast, Thanksgiving,~~  
33 ~~or holiday.~~

34 ~~If a day listed in this subdivision falls on a Sunday, the~~  
35 ~~following Monday shall be deemed to be the holiday in~~  
36 ~~lieu of the day observed. If November 11 falls upon a~~  
37 ~~Saturday, the preceding Friday shall be deemed to be the~~  
38 ~~holiday in lieu of the day observed. Any employee who~~  
39 ~~may be required to work on any of the holidays included~~  
40 ~~in this subdivision and who does work on any of these~~

1 ~~holidays shall be entitled to be paid compensation or~~  
2 ~~given compensating time off for that work in accordance~~  
3 ~~with his or her classification's assigned workweek group.~~

4 ~~(c) If the provisions of subdivision (b) are in conflict~~  
5 ~~with the provisions of a memorandum of understanding~~  
6 ~~reached pursuant to Section 3517.5, the memorandum of~~  
7 ~~understanding shall be controlling without further~~  
8 ~~legislative action, except that if the provisions of a~~  
9 ~~memorandum of understanding require the expenditure~~  
10 ~~of funds, the provisions shall not become effective unless~~  
11 ~~approved by the Legislature in the annual Budget Act.~~

12 ~~(d) Any employee who either is excluded from the~~  
13 ~~definition of state employee in subdivision (c) of Section~~  
14 ~~3513, or is a nonelected officer or employee of the~~  
15 ~~executive branch of government who is not a member of~~  
16 ~~the civil service, is entitled to the following holidays, with~~  
17 ~~pay, in addition to any official state holiday appointed by~~  
18 ~~the Governor:~~

19 ~~(1) January 1, the third Monday in January, the third~~  
20 ~~Monday in February, the last Monday in May, July 4, the~~  
21 ~~first Monday in September, November 11, Thanksgiving~~  
22 ~~Day, the day after Thanksgiving, December 25.~~

23 ~~(2) When November 11 falls on a Saturday, employees~~  
24 ~~shall be entitled to the preceding Friday as a holiday with~~  
25 ~~pay.~~

26 ~~(3) When a holiday, other than a personal holiday, falls~~  
27 ~~on a Saturday, an employee shall, regardless of whether~~  
28 ~~he or she works on the holiday, accrue only an additional~~  
29 ~~eight hours of personal holiday credit per fiscal year for~~  
30 ~~the holiday. The holiday credit shall be accrued on the~~  
31 ~~actual date of the holiday and shall be used within the~~  
32 ~~same fiscal year.~~

33 ~~(4) When a holiday other than a personal holiday falls~~  
34 ~~on Sunday, employees shall be entitled to the following~~  
35 ~~Monday as a holiday with pay.~~

36 ~~(5) Employees who are required to work on a holiday~~  
37 ~~shall be entitled to pay or compensating time off for this~~  
38 ~~work in accordance with their classification's assigned~~  
39 ~~workweek group.~~

~~(6) Persons employed on less than a full-time basis shall receive holidays in accordance with the Department of Personnel Administration rules.~~

~~(e) Any employee, as defined in subdivision (c) of Section 3513, may elect to use eight hours of vacation, annual leave, or compensating time off consistent with departmental operational needs and collective bargaining agreements for March 31, known as “Cesar Chavez Day.”~~

~~(f) Any employee, as defined in subdivision (c) of Section 3513, may elect to use eight hours of vacation, annual leave, or compensating time off consistent with departmental operational needs and collective bargaining agreements for the fourth Friday in September, known as “Native American Day.”~~

~~(g) This section shall become effective only when the Department of Personnel Administration notifies the Legislature that the language contained in this section has been agreed to by all the parties, and the necessary statutes are amended to reflect this change for employees excluded from the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512), Division 4, Title 1).~~

*SEC. 8. Section 19853.1 of the Government Code is amended to read:*

19853.1. (a) Notwithstanding Section 19853, this section shall apply to state employees in State Bargaining Unit 5 or 16.

(b) Except as provided in subdivision (c), all employees shall be entitled to the following holidays: January 1, the third Monday in January, the third Monday in February, the last Monday in May, July 4, the first Monday in September, November 11, the day after Thanksgiving, December 25, and every day appointed by the Governor of this state for a public fast, Thanksgiving, or holiday.

~~When~~

*If a day herein listed in this subdivision falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. If November 11 falls upon a Saturday, the preceding Friday shall be deemed*

1 to be the holiday in lieu of the day observed. Any  
2 employee who may be required to work on any of the  
3 holidays ~~mentioned~~ *included* in this section and who does  
4 work on any of these holidays shall be entitled to be paid  
5 compensation or given compensating time off for that  
6 work in accordance with his or her classification's  
7 assigned workweek group.

8 (c) If the provisions of subdivision (b) are in conflict  
9 with the provisions of a memorandum of understanding  
10 reached pursuant to Section 3517.5, the memorandum of  
11 understanding shall be controlling without further  
12 legislative action, except that if the provisions of a  
13 memorandum of understanding require the expenditure  
14 of funds, the provisions shall not become effective unless  
15 approved by the Legislature in the annual Budget Act.

16 (d) Any employee who either is excluded from the  
17 definition of state employee in subdivision (c) of Section  
18 3513, or is a nonelected officer or employee of the  
19 executive branch of government who is not a member of  
20 the civil service, is entitled to the following holidays, with  
21 pay, in addition to any official state holiday appointed by  
22 the Governor:

23 (1) January 1, the third Monday in January, the third  
24 Monday in February, the last Monday in May, July 4, the  
25 first Monday in September, November 11, Thanksgiving  
26 Day, the day after Thanksgiving, December 25.

27 (2) When November 11 falls on a Saturday, employees  
28 shall be entitled to the preceding Friday as a holiday with  
29 pay.

30 (3) When a holiday, other than a personal holiday, falls  
31 on a Saturday, an employee shall, regardless of whether  
32 he or she works on the holiday, accrue only an additional  
33 eight hours of personal holiday credit per fiscal year for  
34 the holiday. The holiday credit shall be accrued on the  
35 actual date of the holiday and shall be used within the  
36 same fiscal year.

37 (4) When a holiday other than a personal holiday falls  
38 on Sunday, employees shall be entitled to the following  
39 Monday as a holiday with pay.

1 (5) Employees who are required to work on a holiday  
2 shall be entitled to pay or compensating time off for this  
3 work in accordance with their ~~classifications~~  
4 *classification's* assigned workweek group.

5 (6) Persons employed on less than a full-time basis  
6 shall receive holidays in accordance with the Department  
7 of Personnel Administration rules.

8 (e) Any employee, as defined in subdivision (c) of  
9 Section 3513, may elect to use eight hours of vacation,  
10 annual leave, or compensating time off consistent with  
11 departmental operational needs and collective  
12 bargaining agreements for March 31, known as "Cesar  
13 Chavez Day."

14 (f) *Any employee, as defined in subdivision (c) of*  
15 *Section 3513, may elect to use eight hours of vacation,*  
16 *annual leave, or compensating time off consistent with*  
17 *departmental operational needs and collective*  
18 *bargaining agreements for the fourth Friday in*  
19 *September, known as "Native American Day."*

20 (g) This section shall become effective only when the  
21 Department of Personnel Administration notifies the  
22 Legislature that the language contained in this section  
23 has been agreed to by all the parties, and the necessary  
24 statutes are amended to reflect this change for employees  
25 excluded from the Ralph C. Dills Act (Chapter 10.3  
26 (commencing with Section 3512), Division 4, Title 1).